

NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROBERT E. GERKIN,  
Petitioner,

vs.

M.C. KRAMER, Warden  
Respondent.

No. C 08-1602 JF (PR)  
JUDGMENT

The Court has dismissed the instant habeas action as a second or successive petition challenging the same conviction and sentence as Petitioner's earlier petition in case no. C 01-20766 JF (PR). See 28 U.S.C. § 2244(b). A judgment of dismissal without prejudice is entered. The Clerk shall close the file.

IT IS SO ORDERED.

DATED: 5/9/08

  
JEREMY FOCHEL  
United States District Judge